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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,798	09/29/2003	Joseph M. McNasby	005027.106978	2979
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DAY PITNEY LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER TOMASZEWSKI, MICHAEL	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,798

Applicant(s)

MCNASBY, JOSEPH M.

Examiner

Mike Tomaszewski

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/31/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Notice To Applicant

DETAILED ACTION

1. This communication is in response to the application filed on 9/29/03. Claims 1-26 are pending. The IDS statements filed 12/31/07 have been entered and considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as obvious over Joao (6,347,302; hereinafter Joao), in view of Walker et al (6,208,978; hereinafter Walker).

(A) As per claim 1, Joao discloses a method of providing insurance coverage as a security deposit guarantee, comprising the steps of:

- (1) establishing a contractual agreement between a property manager on behalf of a lessee to insure a leased property and said insurer ready to

insure against losses caused by a lessee which exceed a certain percentage of a gross premium charge; and

- (2) providing a policy of indemnity insurance sufficient to compensate for said possible losses (Joao: abstract; col. 2, line 7-col. 4, line 18).

Joao, however, fails to *expressly* disclose a method of providing insurance coverage as a security deposit guarantee, comprising the steps of:

- (3) providing a security deposit for an apartment.

Nevertheless, these features are old and well known in the art, as evidenced by Walker. In particular, Walker discloses a method of providing insurance coverage as a security deposit guarantee, comprising the steps of:

- (3) providing a security deposit for an apartment (Walker: abstract; Fig. 1).

One of ordinary skill in the art would have found it obvious to combine the teachings of Walker with the teachings of Joao with the motivation of insuring a broader breadth of items (Walker: abstract).

(B) As per claim 2, Joao discloses the method of claim 1, wherein said property manager submits an application form to an insurer regarding said leased apartment (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(C) As per claim 3, Joao discloses the method of claim 1, wherein said application form is created by said insurer (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(D) As per claim 4, Joao discloses the method of claim 1, wherein said submitting step is carried out by said property manager (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(E) As per claim 5, Joao discloses the method of claim 1, wherein said insurer evaluates whether to agree to the transfer of a proposed risk using an insurance underwriter (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(F) As per claim 6, Joao discloses the method of claim 1, wherein said insurer communicates information regarding said proposed risk to said insurance underwriter (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(G) As per claim 7, Joao discloses the method of claim 1, wherein said property manager receives a binding commitment from said insurer regarding the acceptance of said proposed risk (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(H) As per claim 8, Joao discloses the method of claim 1, wherein said insurance underwriter determines a quote of a particular monetary amount forming the basis of said gross premium charge to be collected and managed by said property manager (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(I) As per claim 9, Joao discloses the method of claim 1, wherein said property manager supplies a letter of credit (LOC) to said insurance underwriter in an amount specified by said insurance underwriter (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(J) As per claim 10, Joao discloses the method of claim 1, wherein said proposed risk relates to said leased apartment (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(K) As per claim 11, Joao discloses the method of claim 1, wherein said insurer assures payment to said property manager, if said losses occur (Joao: abstract; col. 2, line 7-col. 4, line 18; Fig. 1).

(L) Claims 12-26 substantially repeat the same limitations as those in claims 1-11 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT




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